

REMARKS/ARGUMENTS

A. Introduction

In the Office action of September 5, 2006, the Examiner:

1. Rejected claims 1- 4, 7 and 8 under 35 USC § 102(b) as being anticipated by US Patent No. 5,857,175 to Day et al. (hereinafter “*Day*”).
2. Rejected claims 1-8, 10, 18-19 under 35 USC § 102(e) as being anticipated by US Pre-Grant Publication No. 2002/0178051 by Golden et al. (hereinafter “*Golden*”).
3. Rejected claims 1-8, 10, 12-19 under 35 USC § 102(e) as being anticipated by US Pre-Grant Publication No. 2004/0220854 by Postrel (hereinafter “*Postrel*”).
4. Rejected claims 9 and 11 under 35 USC § 103(a) as being unpatentable over Postrel.

B. Rejection of Claims 1 – 4, 7 and 8 under 35 USC § 102(b) as Being Anticipated by *Day*

The Applicant has amended the “delivering means for providing to each of the targeted consumers the promotional materials” of claim 1 where the promotional materials are “printed at the host” and “wherein the delivering means comprises at least one of a consumer identifying serial number and a consumer-identifying bar code for tracking promotional material use.” (See page 18, lines 5-9, of the original application and/or US2002/0107739 paragraph [0084] and page 19, lines 20 - 23 and US2002/0107739 paragraph [0088].)

While *Day* discloses a card that with repeated use may be associated with its user, *Day* does not disclose the delivery of promotional material comprising at least one of a consumer identifying serial number and a consumer-identifying bar code for tracking promotional material use. Accordingly, the Applicant respectfully asserts claim 1 as presently amended is patentable over *Day*; and claims 2 – 8 further clarify or limit claim 1 and accordingly are patentable over *Day*.

C. Rejection of Claims 1 – 8, 10 and 18-19 under 35 USC § 102(e) as Being Anticipated by *Golden*

The Applicant has amended the “delivering means for providing to each of the targeted consumers the promotional materials” of claim 1 where the promotional materials are “printed at the host” and “wherein the delivering means comprises at least one of a consumer identifying serial number and a consumer-identifying bar code.” (See page 18, lines 5-9, of the original application and/or US2002/0107739 paragraph [0084] and page 19, lines 20 - 23 and US2002/0107739 paragraph [0088].) In addition, the Applicant has amended “printing, by the subscribing consumer a hardcopy of the electronic document” of claim 18 “wherein said document comprises at least one of the consumer-identifying serial number and the consumer-identifying bar code for tracking promotional material use.”

While *Golden* discloses a personal identification number capable of reproduction in a bar-code form for a certificate that redeemed printed coupons may also have their barcodes scanned by the service to identify, for research purposes, the consumers who used the coupons, *Golden* does not disclose the delivery of promotional material printed at the host comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use. Accordingly, the Applicant respectfully asserts: claims 1 and 18 as presently amended are patentable over *Golden*; claims 2 – 8 and 10 further clarify or limit claim 1 and accordingly are patentable over *Golden*; and claim 19 further clarifies or limits claim 18 and accordingly are patentable over *Golden*.

D. Rejection of Claims 1 – 8, 10 and 12-19 under 35 USC § 102(e) as Being Anticipated by *Postrel*

The Applicant has amended the “delivering means for providing to each of the targeted consumers the promotional materials” of claim 1 where the promotional materials are “printed at the host” and “wherein the delivering means comprises at least one of a consumer identifying serial number and a consumer-identifying bar code for tracking promotional material use.” (See page 18, lines 5-9, of the original application and/or US2002/0107739 paragraph [0084] and page 19, lines 20 - 23 and US2002/0107739

paragraph [0088].) In addition, the Applicant has amended “printing, by one or more printers attached to the host computer, promotional materials” of claim 12 “comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use” and “promotional materials printed by the host computers addressed to the targeted consumers” of claim 12 “comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use” The Applicant has amended “printing, by the subscribing consumer a hardcopy of the electronic document” of claim 18 “wherein said document comprises at least one of the consumer-identifying serial number and the consumer-identifying bar code for tracking promotional material use.”

While *Postrel* discloses a bar code to encode a discount and a security feature, *Postrel* does not disclose the delivery of promotional material comprising at least one of a consumer-identifying serial number and a consumer-identifying bar code for tracking promotional material use. Accordingly, the Applicant respectfully asserts: claims 1, 12 and 18 as presently amended are patentable over *Postrel*; Claims 2 – 8 and 10 further clarify or limit claim 1 and accordingly are patentable over *Postrel*; claims 13 – 17 further clarify or limit claim 12 and accordingly are patentable over *Postrel*; and claim 19 further clarifies or limits claim 18 and accordingly is patentable over *Postrel*.

E. Rejection of Claims 9 and 11 under 35 USC § 103(a) as Being Unpatentable over *Postrel*

1. Claim 9

The Applicant has amended the “postal packages carrying promotional materials printed by the host computers addressed to the targeted consumers” of claim 9 to comprise “at least one of a consumer-identifying serial number and a consumer-identifying bar code.” The Applicant respectfully asserts that this limitation in the printed promotional materials is not taught, suggested or motivated by *Postrel* and accordingly claim 9, as amended, is patentable over *Postrel*.

2. Claim 11

The Applicant has amended the “one or more printers electronically and securely connected to the host for the printing of promotional materials” of claim 11 to comprise “at least one of a consumer-identifying serial number and a consumer-identifying bar code.” The Applicant respectfully asserts that this limitation in the printing of promotional materials is not taught, suggested or motivated by *Postrel* and accordingly, claim 11, as amended, is patentable over *Postrel*.

F. Conclusion

The Applicant respectfully submits that, with the amendments of claims 1, 9, 11, 12, and 18, and in view of the arguments and remarks herein presented as clearly distinguishing the invention as claimed from the cited art, claims 1-19 are presently in condition for allowance. The Applicant has taken care in amending these claims so that no new matter has been added. While no fees are anticipated with this response, should additional fees be required, authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. **02-3979**.

Respectfully submitted,

Michael Blaine Brooks, P.C.

Dr. Michael B. Brooks, Esq.
Registration Number 39,921

Telephone No. (805) 579-2500
FAX (805) 584-6427

Michael Blaine Brooks, P.C.
1445 E. Los Angeles Ave., Suite 206
Simi Valley, CA 93062-2827

Customer No. 24507